

## **REMARKS**

At the time the Official Action was mailed, claims 1, 3-17, 19-33, and 35-63 were pending. The Examiner rejected all pending claims. Reconsideration of the application is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 1, 13-17, 29-33, 45-47, and 53-54 under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al. (U.S. Patent No. 5,988,511) in view of Moden et al. (U.S. Patent No. 6,297,960 B1). Applicants respectfully traverse this rejection.

Each of the independent claims 1, 15, 33, 47, and 54 are rejected under the combination proposed by the Examiner. Although Applicants believe these rejections to be insufficient on the merits, Applicants respectfully submit that these rejections are moot since the Moden et al. reference primary reference is not available as prior art with respect to the above-referenced application under 35 U.S.C. § 103(a). The present application was filed on June 2, 2000. The Moden et al. reference was filed on June 30, 1999 and issued on October 2, 2001. The Examiner's rejection under 35 U.S.C. § 103(a) is based on sub-section (e) of 35 U.S.C. § 102, since it is clear that the Moden et al. reference cannot possibly be applied under any other sub-section of 35 U.S.C. § 102. Therefore, Applicants respectfully refer the Examiner to 35 U.S.C. § 103(c) which states:

[s]ubject matter developed by another person, which qualifies as prior art under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the

same person or subject to an obligation of assignment to the same person.

As discussed initially in Applicants' Response dated June 10, 2002, and discussed above, the Moden et al. reference does not qualify as prior art under Section 103(a) because the reference and the claimed invention were, at the time the invention was made, owned by the present assignee (Micron Technology, Inc.) or subject to an obligation of assignment to the present assignee. Accordingly, without the Moden et al. reference, the Examiner's rejections under 35 U.S.C. § 103(a) are moot.

In view of the remarks set forth above with regard to the unavailability of the Moden et al. reference as prior art, Applicants respectfully submit that claims 1, 13-17, 29-33, 45-47 and 53-54 are also allowable over the cited art. Therefore, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 1, 13-17, 29-33, 45-47 and 53-54.

The Examiner rejected claims 3-12, 19-28, 35-44, 48-52, and 55-63 under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al. (U.S. Patent No. 5,988,511) in view of Mostafazadeh et al. (U.S. Patent No. 5,783,870). Applicants respectfully traverse this rejection.

Each of claims 3-12, 19-28, 35-44, 48-52, and 55-63 depend from one of the independent claims 1, 15, 33, 47, and 54, discussed above. Accordingly, Applicants presume that the Examiner intended to include the Moden et al. reference in the present

rejection of dependent claims 3-12, 19-28, 35-44, 48-52, and 55-63, since it is clear that the Schmidt et al. reference and the Mostafazadeh et al. reference do not, either alone or in combination, disclose all of the elements recited with respect to the base claims. However, as discussed above, the Moden et al. reference does not qualify as prior art under 35 U.S.C. § 102(e)/103(c). Accordingly, without the Moden et al. reference, the Examiner's rejections of claims 3-12, 19-28, 35-44, 48-52, and 55-63 are also moot for the reasons discussed above.

In view of the remarks set forth above with regard to the unavailability of the Moden et al. reference as prior art, Applicants respectfully submit that claims 3-12, 19-28, 35-44, 48-52, and 55-63 are also allowable over the cited art. Therefore, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 3-12, 19-28, 35-44, 48-52, and 55-63.

### **Conclusion**

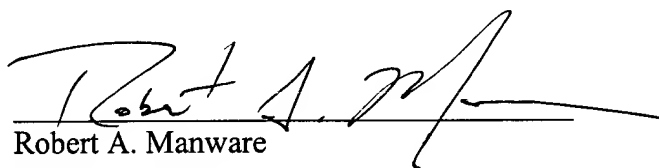
In view of the remarks set forth above, Applicants respectfully request withdrawal of the Examiner's rejections and allowance of claims 1, 3-17, 19-33, and 35-63. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

**General Authorization for Extensions of Time**

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicants authorize the Commissioner to charge the appropriate fee for any extension of time to Deposit Account No. 13-3092; Order No. MICS:0038 (99-0525).

Respectfully submitted,

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